

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 29, 2017

1:08 p.m.

MEMBERS PRESENT

Representative Andy Josephson, Co-Chair
Representative Geran Tarr, Co-Chair
Representative Dean Westlake, Vice Chair
Representative Harriet Drummond
Representative Justin Parish
Representative Chris Birch
Representative DeLena Johnson
Representative George Rauscher
Representative David Talerico

MEMBERS ABSENT

Representative Mike Chenault (alternate)
Representative Chris Tuck (alternate)

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Board of Fisheries

John Jensen - Petersburg
Reed Morisky - Fairbanks
Frederick ("Fritz") Johnson - Kenai

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 155

"An Act authorizing a land exchange in which certain Alaska mental health trust land is exchanged for certain national forest land and relating to the costs of the exchange; and providing for an effective date."

- MOVED CSHB 155(RES) OUT OF COMMITTEE

HOUSE BILL NO. 129

"An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing,

hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; creating an exemption from payment of restitution for certain unlawful takings of big game animals; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of 'electronic form'; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 155

SHORT TITLE: AK MENTAL HEALTH TRUST LAND EXCHANGE

SPONSOR(s): REPRESENTATIVE(s) ORTIZ

03/06/17	(H)	READ THE FIRST TIME - REFERRALS
03/06/17	(H)	RES, FIN
03/27/17	(H)	RES AT 1:00 PM BARNES 124
03/27/17	(H)	Heard & Held
03/27/17	(H)	MINUTE(RES)
03/29/17	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 129

SHORT TITLE: FISH & GAME: OFFENSES;LICENSES;PENALTIES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/15/17	(H)	READ THE FIRST TIME - REFERRALS
02/15/17	(H)	RES, JUD
03/29/17	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

JOHN JENSEN, Appointee
Board of Fisheries
Alaska Department of Fish & Game
Petersburg, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

REED MORISKY, Appointee
Board of Fisheries
Alaska Department of Fish & Game
Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

FREDERICK ("FRITZ") JOHNSON, Appointee
Board of Fisheries
Alaska Department of Fish & Game
Dillingham, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

GARY STEVENS
Chugiak, Alaska

POSITION STATEMENT: Testified in support of Reed Morisky, in opposition to John Jensen, and in neutrality to Fritz Johnson, appointees to the Board of Fisheries.

ARNI THOMSON, Spokesperson
Alaska Salmon Alliance (ASA)
Kenai, Alaska

POSITION STATEMENT: Testified in support of Fritz Johnson, John Jensen, and Reed Morisky, appointees to the Board of Fisheries.

ROD ARNO, Executive Director
Alaska Outdoor Council (AOC)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to John Jensen and in support of Reed Morisky, appointees to the Board of Fisheries.

PAUL SHADURA II, Spokesperson
South K-Beach Independent Fishermen's Association
Soldotna, Alaska

POSITION STATEMENT: Testified in support of Fritz Johnson, John Jensen, and Reed Morisky, appointees to the Board of Fisheries.

JERRY MCCUNE, Staff & President
United Fishermen of Alaska
Cordova, Alaska

POSITION STATEMENT: Testified in support of John Jensen and Fritz Johnson, and in neutrality to Reed Morisky, appointees to the Board of Fisheries.

SAMANTHA WEINSTEIN, Executive Director
Southeast Alaska Guides Organization (SEAGO)
Juneau, Alaska

POSITION STATEMENT: Testified in support of Reed Morisky, John Jensen, and Fritz Johnson, appointees to the Board of Fisheries.

MARK RICHARDS

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of Reed Morisky, appointee to the Board of Fisheries.

REPRESENTATIVE DAN ORTIZ

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Speaking as the prime sponsor of HB 155, testified there have been no changes to the bill as presented to the committee on 3/27/17.

CAROLINE HAMP, Staff

Representative Dan Ortiz

Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Ortiz, sponsor, provided a sectional analysis of the proposed committee substitute, Version U, for HB 155.

WYN MENEFEE, Deputy Director

Alaska Mental Health Trust Land Office

Office of the Commissioner

Department of Natural Resources

Anchorage, Alaska

POSITION STATEMENT: Answered questions related to HB 155.

DAVID LANDIS, Mayor

Ketchikan Gateway Borough

Ketchikan, Alaska

POSITION STATEMENT: Testified in support of HB 155.

CHERYL FECKO

Craig, Alaska

POSITION STATEMENT: Testified in opposition to HB 155.

DENNIS WATSON, Mayor

City of Craig

Craig, Alaska

POSITION STATEMENT: Testified in support of HB 155.

REBECCA KNIGHT

Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to HB 155.

LARRY EDWARDS

Sitka, Alaska

POSITION STATEMENT: Testified in opposition to HB 155.

MIKE SALLEE

Ketchikan, Alaska

POSITION STATEMENT: Testified in opposition to HB 155.

EMILY FERRY, Deputy Director

Southeast Alaska Conservation Council

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 155.

VICTORIA MCDONALD

Ketchikan, Alaska

POSITION STATEMENT: Testified in opposition to HB 155.

BOB WEINSTEIN, Spokesperson

Save Deer Mountain

Ketchikan, Alaska

POSITION STATEMENT: Testified in support of HB 155.

CHARLES WOOD, Spokesperson

Mitkof Highway Homeowners Association (MHHA)

Petersburg, Alaska

POSITION STATEMENT: Testified in support of HB 155.

CYNTHIA LAGOUDAKIS, Vice-Mayor

Petersburg Borough

Petersburg, Alaska

POSITION STATEMENT: Testified in support of HB 155.

MAJOR BERNARD CHASTAIN, Deputy Director

Division of Alaska Wildlife Troopers

Department of Public Safety

Anchorage, Alaska

POSITION STATEMENT: On behalf of Governor Walker, introduced and provided a sectional analysis of HB 129.

ACTION NARRATIVE

[1:08:52 PM](#)

CO-CHAIR GERAN TARR called the House Resources Standing Committee meeting to order at 1:08 p.m. Representatives Tarr, Josephson, Rauscher, Drummond, Johnson, Birch, Parish, Talerico, and Westlake were present at the call to order.

CONFIRMATION HEARING(S) :

Board of Fisheries

1:09:30 PM

CO-CHAIR TARR announced that the first order of business would be confirmation hearings for John Jensen, Reed Morisky, and Fritz Johnson, appointees to the Board of Fisheries.

1:09:45 PM

JOHN JENSEN, appointee, Board of Fisheries, stated he was born and raised in Petersburg, Alaska, and a third-generation commercial fisherman who has participated in most of the fisheries in the state, including: halibut; black cod; gillnet, seine, and troll of salmon; seine, gillnet, and impound of herring; and king and tanner crab fishing in the Bering Sea for 10 years. He said he has fished from Adak to Nome to the lower end of Southeast. Presently he is semi-retired with a few individual fishing quotas (IFQ's) left and a king and tanner crab permit that his oldest son uses in Southeast Alaska. Currently, he continued, his main income is from renting boats to visitors to Southeast Alaska. His two sons are both commercial fishermen. He offered his support for the appointments of Mr. Reed Morisky and Mr. Fritz Johnson to the Board of Fisheries.

1:12:15 PM

REPRESENTATIVE DRUMMOND inquired about the son who uses one of Mr. Jensen's permits.

MR. JENSEN replied it is his oldest son and explained that when he is at Board of Fisheries meetings he gets a governmental transfer for his permit. He would have sold the permit a long time ago but it's not a sellable permit, it is a permanent, nontransferable permit. He has been waiting for 35 years for the Commercial Fisheries Entry Commission (CFEC) to make a decision as to whether it is going to be permanent.

REPRESENTATIVE DRUMMOND said she is asking because the House of Representatives just passed HB 87, which would change the familial relationships of members on the Board of Fisheries. Assuming HB 87 became law, she explained, a child sharing a substantial financial interest with Mr. Jensen as a board member might cause Mr. Jensen to declare a conflict of interest under certain circumstances. She asked whether Mr. Jensen is aware of this bill.

MR. JENSEN responded that board members have been doing that ever since he has been on the board. He said he likes HB 87 because it would help him be able to participate a little bit more, but he realizes he cannot vote when there is a "significant financial gain." Since his brother fishes in several fisheries and both his sons are involved in many fisheries, as is he, he consequently "sits on the bench" during a lot of discussion. He stated it is hard for the other board members when there isn't someone with a certain level of expertise in Southeast Alaska because it is hard to understand the little innuendos and all the fine parts of every area of the state. A month ago, the board came from Cook Inlet and while he doesn't have any conflicts there it was nice having a board member who was familiar with the area and able to help the board through it.

REPRESENTATIVE DRUMMOND pointed out that if HB 87 becomes law it would allow Mr. Jensen to participate in discussions but not vote whenever he has a conflict.

MR. JENSEN answered that the aforementioned is his understanding as well, and reiterated that it would be of help.

1:15:07 PM

REPRESENTATIVE RAUSCHER asked how Mr. Jensen balances the decisions he makes as far as relationships and fairness to various user groups.

MR. JENSEN responded that that is the hard part of being on the board. He explained that the board process starts out by people putting in proposals by April 10th [each year] for what will come up the next year. Members receive these proposals for review in their board packet sometime in August. The public also receives the proposals and develops their comments and the [Alaska Department of Fish & Game (ADFG)] advisory committees (ACs) review the proposals and forward their comments. Up to two weeks before the meeting, board members can get on-time public comments. After the meeting the members get what is called "record copies" for all the way through the meeting. Once the meeting starts the board takes public testimony and there is the committee process in which the user groups and the public have a second chance to go at it with some more comments and new information. The board uses all that information along with the policies that it must follow, such as allocation criteria, sustainable salmon fisheries management policy, mixed

stock fishing policies, as well as federal standards when it comes to crabs. The board also uses a lot of input from ADFG. If there is a harvestable surplus of fish, the first user group is subsistence users, and if there is more harvestable surplus for public use it goes into personal use, sport fishing, and commercial fishing, and this is where the board has the job of making allocations and that is the hardest part of the job.

1:17:51 PM

REPRESENTATIVE RAUSCHER inquired whether Mr. Jensen sees the current Board of Fisheries as being balanced.

MR. JENSEN replied yes, it has a fine balance with folks from coastal communities such as himself and Ms. Jeffrey, who is stepping down but whom he hopes will be replaced by Mr. Johnson, and with Interior folks from Fairbanks to the Matanuska-Susitna Valley to Anchorage. Compliments are being heard on how well the board is working, he added.

REPRESENTATIVE RAUSCHER asked what the meaning of sustained yield is to Mr. Jensen personally.

MR. JENSEN responded it means fish for the future - that his children and grandchildren will be able to do the same thing he is doing.

REPRESENTATIVE RAUSCHER posed a scenario in which Mr. Jensen has a conflict that would mean a large monetary loss and inquired whether Mr. Jensen would still be able to be balanced if it was for the better of the group.

MR. JENSEN answered he will conflict himself out of the issue. For example, at the last board meeting an emergency petition was put forth by ADFG of Southeast and once the board found out that it met the criteria for emergency he stepped down from the rest of the discussion because it was for gillnets and he has a brother who is a gillnetter.

REPRESENTATIVE RAUSCHER asked whether, in Mr. Jensen's opinion, the current number of board members is the right number.

MR. JENSEN replied he is aware there is talk about a nine-member board, but said he doesn't know whether that would help, whether it would bring in more coastal people, or how it would change the balance. Right now, it's a pretty fair balance and is working pretty well.

1:20:21 PM

REPRESENTATIVE BIRCH noted he represents 17,000 residents in southcentral Anchorage, which includes commercial and sport fishermen. He further noted the state sells about 250,000 sport fishing licenses annually and said he presumes most people with sport fishing licenses "target salmon." He asked what Mr. Jensen sees as the Board of Fisheries' role and responsibility in attempting to maximize the number of fish into Cook Inlet where the various user groups can target the fish.

MR. JENSEN responded that in this case the board's main goal is to keep the stocks healthy so that salmon keep coming back. The [Matanuska-Susitna] Valley has some king salmon and some red salmon stocks of concern. Fish are still coming up there and the hope is to improve on things. The board has restricted commercial fishing to a certain extent by using the corridor program, he explained. The central corridor is basically the whole Cook Inlet open and there are two corridors on the side - one that is three miles out and another going up about four miles past that and which is used for managing fish going north to the Matanuska-Susitna Valley area, and it seems to be working really well. Sometimes, Mr. Jensen continued, it is really hard to get a fish out of a stock of concern, the main reason being not knowing when to back off. An action plan is involved, and it is not necessarily getting a whole bunch of fish in there, but rather getting a healthy bunch of fish in there and having a healthy outmigration, and outmigrating seems to be some of the problem and is something that is hard to foresee and manage.

1:23:10 PM

REPRESENTATIVE BIRCH inquired how the board views the advisory [committees] and ensuring that they are viable and functioning properly from the board's perspective. He further inquired how Mr. Jensen sees that interaction working and whether there is anything the legislature can do to improve that process.

MR. JENSEN answered that the advisory committees are a very valuable resource to the Board of Fisheries; he participated on one for 10 years before joining the board. Advisory committees give the board a closer perspective of what the community is doing. Of the 83 advisory committees across the state, some are good, such as the Anchorage AC, and some are not, such as the Petersburg AC. The AC's cycle up and down, he noted, but they

are very valuable, and he appreciates anything the legislature can do to keep them going.

REPRESENTATIVE BIRCH posited that to be effective the advisory committees would need to be contributing to a solution and an answer that is agreed to by the board most of the time. He asked what percentage of time the board follows the advice given by an advisory committee.

MR. JENSEN replied that at the last board meeting held in Anchorage regarding the Cook Inlet, the board took two proposals and modified the language in a manner that was supported by the AC's. He said he tries to listen to everyone closely and the board takes seriously any suggestions from the AC level as well as from the public level.

[1:25:43 PM](#)

REPRESENTATIVE JOHNSON related that she has received letters of support from both commercial and sport users for the three appointees to the board. She said she is pleased to have both sides of the fishing camp in agreement.

MR. JENSEN responded he is happy to see this as well.

[1:26:52 PM](#)

REPRESENTATIVE PARISH questioned what the Board of Fisheries has done, and will do, to reduce bycatch and the wastage of fish stocks and fish species.

MR. JENSEN answered that the board does its best to keep release mortality to a minimum, and the board hears about this issue a lot. For the catch and release of king salmon and trout, it is critical the fish be handled correctly to reduce mortality. Regarding halibut, he said he wishes the board could do more, but because halibut are federally controlled the board doesn't have much say about the species.

REPRESENTATIVE PARISH asked what the greatest threats are to fish for the future.

MR. JENSEN replied that currently it is starting to look like a lot of environmental effects. Last year, due to [a large mass of relatively warm water in the Pacific Ocean known as the blob] the pink salmon run failed statewide. He said he is unsure exactly what the blob is, but that it either killed the fish

during outmigration or the fish wouldn't come back through it when returning a year later. The blob has supposedly moved off, so the board is holding its breath for this year and hoping the return is as predicted. It wasn't just pink salmon, he added, all salmon were affected.

1:29:07 PM

REED MORISKY, appointee, Board of Fisheries, stated he has lived in Fairbanks for over 35 years and for a good portion of that time he has followed and been involved in fishery issues. He said he has owned and operated a sport fishing guide business specializing in Arctic grayling for 33 years, and as a member of the Sport Fishing Guide Services Board Task Force he has advocated for a responsible sport fishing industry. Being a member of Alaska's Board of Fisheries is a special honor and great responsibility, he noted, and one of his responsibilities is to reasonably allocate among user groups. According to the natural resource clause in Alaska's constitution, the state's commonly-owned fisheries resources are a public trust that must be managed for the benefit of the people as a whole. However, he added, applying that concept is where much of the contention arises. People rely on the board to fairly review proposals for allocating, changing, modifying, and updating the state's fisheries regulations.

MR. MORISKY said he believes he has brought an attitude of respect and fairness to the process and that he has a proven track record of taking a reasonable and rational approach to his decision-making process. The public expects to be heard and have their issues vetted by the board, and he enjoys meeting all the stakeholders and hearing their concerns. It is possible to disagree without being disagreeable, he continued, and he would like to continue to work toward solutions to the state's present and future fisheries issues.

1:31:31 PM

REPRESENTATIVE BIRCH noted he represents an area in south Anchorage and previously lived in Fairbanks. Relating that many of his constituents are concerned about the Cook Inlet fishery, he asked what role Mr. Morisky sees the board engaging in to maximize the public use of that fishery, and to recognize the balance between the commercial and sport fishing communities.

MR. MORISKY responded that to maximize everyone getting their fish the board reviews the proposals that are brought to it.

These proposals run the full gamut from restricting, severely restricting sport and personal use, to restricting commercial aspects. So, he said, that is where board action comes into play to allocate the existing fisheries resources - [which user group] has more time, less time, larger bag limit, more time in a fishery opening and to reallocate or allocate.

1:33:13 PM

REPRESENTATIVE RAUSCHER inquired whether Mr. Morisky believes there should be seven or nine members on the Board of Fisheries.

MR. MORISKY answered that the aforementioned has been a topic among board members and other people interested in this process. Based on his four years as a board member, he said he believes seven are enough assuming they are good members like now, the members are placed properly, and the selection is done with due diligence. There is not supposed to be designated seats by area per se, he continued, but if two or more seats were added the question is, "Where would those seats go?" He said he doesn't know whether Barrow or Tok have ever had a seat and other areas of the state might advocate for that. There is no guarantee where those seats would go or to whom. Currently, four votes are needed to pass something and if the number of members went to nine then five votes would be needed and therefore it might be a little harder to get consensus.

REPRESENTATIVE RAUSCHER asked how Mr. Morisky balances decisions that he makes on the board in relation to fairness amongst all the user groups.

MR. MORISKY answered that he listens to all the information regarding the proposal at hand, talks to the stakeholders, and, if he can, talks to the person who wrote the proposal to get more clarity and learn what he or she had in mind. The board's criteria are very important - allocation criteria, sustainable salmon fisheries policy, and mixed stock policy. The allocation criteria have seven criteria that, depending on the particular board member and the lens that board member looks through, the member will make a case for or against those particular allocation criteria. There are many stakeholders, he continued. The commercial fishery has been operating in many of these fisheries for a long time, but there are also the sport, guided sport, personal use, and subsistence components. Sometimes a rebalancing will need to occur and that is what the board has done and will do in the future: allocate those resources using

the allocation criteria and see what needs to be increased or sometimes decreased for different user groups.

REPRESENTATIVE RAUSCHER inquired as to Mr. Morisky's definition of sustained yield.

MR. MORISKY replied that sustained yield is having enough fish for escapement and yet have the various user groups be able to use the resource in a sustained way and still have enough for spawning on a long-term basis.

[1:37:43 PM](#)

REPRESENTATIVE PARISH asked what Mr. Morisky sees as the greatest threat to fisheries in the future.

MR. MORISKY responded that it is unknown weather changes, habitat, and things happening in the ocean and/or where fish spawn. The warm water blob was not predicted, and affected fish runs. There is great concern in Southeast Alaska with the mines in Canada that could cause problems with habitat. If the board and ADFG are doing what they should, he posited, overfishing per se should not occur - that is one of the benefits of Alaska's management system in the way the constitution was framed, and the Board of Fisheries set up by the legislature.

[1:39:30 PM](#)

FREDERICK ("FRITZ") JOHNSON, appointee, Board of Fisheries, testified he has been a resident of the Bristol Bay region since 1978 and began commercially fishing in the region in 1979. He operates a 32-foot drift boat and earns most of his income from salmon fishing, he said. He has also participated in the near-shore halibut fishery in the region, he continued, and in the past, he participated in the herring fishery at Togiak. During his one term on the Board of Fisheries from 2013-2015 he learned a lot about Alaska fisheries beyond his own experience. During that time, he spoke to hundreds of sport, commercial, personal use, and subsistence harvesters from around the state, and he listened to Alaska's dedicated team of fisheries biologists and managers. Having served that apprenticeship, he said he certainly is more qualified now than he was at the start of his first term and would be honored to serve again. He expressed his support for the reappointment of Mr. Jensen and Mr. Morisky because both are thoughtful, deliberate, and highly qualified individuals who are well versed in Alaska fish policy and open to the public.

1:41:16 PM

REPRESENTATIVE PARISH inquired as to what Mr. Johnson thinks can be done to minimize bycatch or, having caught and killed a fish, what should be done with that fish.

MR. JOHNSON replied that once a fish is caught and killed, to do anything but take it home and consume it in some capacity is wanton waste and against the law. Regarding bycatch, he advised that some interesting developments are on the horizon for the electronic monitoring of some of the bigger boats to ensure they aren't taking untargeted species. This would give managers and captains the information they need to relocate or modify their fishing methods, as that seems to be where the biggest problem with bycatch exists today. The issues of personal use and commercial fisheries are different in different areas, he noted. In Bristol Bay fishing for salmon is done with gillnets. Several years ago, consideration was given to the banning of gillnets in different parts of the country, including the Northwest Coast, because gillnets were perceived as being indiscriminate in their catch. However, he continued, in Bristol Bay there are virtually no other species in the water column, although sometimes in shallow water a few flounder are taken, but the abundance of flounder is not threatened. Each individual fishery is different, and the biggest bycatch issue has to do with offshore fisheries and larger boats, he said.

1:44:10 PM

REPRESENTATIVE RAUSCHER asked whether Mr. Johnson thinks the right board size is seven or [should be increased to] nine.

MR. JOHNSON responded he shares Mr. Morisky's views on the board's size. The board is well balanced and fair, he said, and in his opinion seven is enough and works. Expanding the number to nine would sometimes make it more difficult to achieve consensus, plus there would be more expense with adding members.

1:45:05 PM

REPRESENTATIVE BIRCH related that about 20 percent of the fish caught in Cook Inlet are not the second run of red salmon that go into the Kasilof and Kenai rivers. He requested Mr. Johnson to share his thoughts about turning the Cook Inlet commercial fishery into a terminal fishery and how that might impact the overall fishery.

MR. JOHNSON answered his personal belief is that there is a value in terminal fisheries; it used to work well in Bristol Bay. That said, he continued, the Board of Fisheries is still guided by both the sustainable salmon policies and allocation policies. Changing the Cook Inlet fishery to be more of a terminal fishery than it is now would have to be considered in terms of historic harvest, use patterns, and methods. Generally speaking, he added, terminal fisheries are a good idea.

[1:46:38 PM](#)

CO-CHAIR TARR opened public testimony on the appointments of Mr. Jensen, Mr. Morisky, and Mr. Johnson to the Board of Fisheries.

[1:46:46 PM](#)

GARY STEVENS offered his strong support for the confirmation of Reed Morisky. He said Mr. Morisky and the other two appointees are professional and likeable men with whom he gets along and likes. He offered his belief that Mr. Morisky has the best interest for conservation and sustainability of the fisheries.

MR. STEVENS said he cannot support the confirmation of John Jensen primarily because Mr. Jensen has been on the board for over 14 years since 1975. No one else has served as much as 10 years on the board, so he would like to see some turnover and fresh blood. He related that on March 4 [2017] during the last board meeting in Anchorage, the board did a good job on what was right for the conservation of the early run of king salmon. However, he noted, the board allowed more opportunity for the drift fleet and the setnetters after the end of the season at the end of July, and many people were concerned about the fisheries going up to the Northern District, especially cohos.

MR. STEVENS stated he is neutral on the appointment of Fritz Johnson.

[1:48:37 PM](#)

REPRESENTATIVE WESTLAKE asked whether Mr. Stevens just doesn't like the idea that someone has served on the board for 14 years or whether there were specific rulings he disagreed with.

MR. STEVENS opined many of the decisions led by Mr. Jensen in the last year or so tend to lean toward the advantage of the commercial fisheries. He said his biggest concern with people

serving on any public board or any public position is that it is a civic duty, not a career. When someone is on a board for that type of duration it gets to a point where this person has a relationship with the newer board members.

1:50:10 PM

ARNI THOMSON, Spokesperson, Alaska Salmon Alliance (ASA), noted that his nonprofit trade organization primarily represents seafood processors, but also the interests of fishermen who are involved in harvesting, processing, and marketing of seafood that is landed in Prince William Sound, Cook Inlet, Kodiak, Southeast Alaska, and Bristol Bay communities. He said ASA members have lengthy experience with Board of Fisheries meetings dating back more than 25 years.

MR. THOMSON related that several ASA members participated in the recent 14-day Board of Fisheries meeting in Anchorage and that throughout the meeting under the leadership of Chairman John Jensen, a broadly knowledgeable fisherman and seasoned board member, the participating ASA members experienced a refreshing spirit of respect, collaboration, thoughtful deliberation, and an open environment. He said ASA also respects the knowledge and balance of interests that Reed Morisky brings to the board. Additionally, he continued, ASA appreciates Fritz Johnson agreeing to come back and serve on the board because Mr. Johnson is a man of integrity with extensive fisheries experience and has already established his collaborative, cooperative, and respectful nature. All three candidates are firmly supported by ASA, he added, and ASA thanks the committee for its firm commitment to sustaining Alaska fisheries and fish resources.

1:52:07 PM

ROD ARNO, executive director, Alaska Outdoor Council (AOC), stated that AOC is made up primarily of individual Alaskan users. He said AOC opposes the reconfirmation of John Jensen to the Board of Fisheries. While Mr. Jensen has done excellent work during his 14 years on the board, his expertise leans towards the commercial fisheries industry and AOC sees a need and a desire to have more opportunity for individual fishermen. For example, he continued, during the recent board meeting for Cook Inlet, AOC's Proposal 203 would have allowed additional opportunity for dipnetters at the same time that there were emergency openings for additional opportunity for sockeye for the commercial industry. However, the Alaskan dipnetter did not get the same opportunity as commercial fishermen. Proposal 213

for the upper Cook Inlet is another example, Mr. Arno said. The board voted down the idea of keeping the nets a mile off the mouth of the Little Susitna River. When it comes to allocation, there is an orientation towards commercial fishing and AOC is opposed to that at this juncture.

MR. ARNO stated that when Fritz Johnson was previously on the board, he too was oriented towards the commercial fisheries industry. Therefore, he continued, AOC sees a need statewide for an opportunity for more individual opportunity.

MR. ARNO offered AOC's support for Reed Morisky's reappointment to the board. He restated the need for a better balance between in-river users and the commercial industry, he said.

[1:54:46 PM](#)

REPRESENTATIVE RAUSCHER asked whether Mr. Arno thinks seven is a good number of board members or whether it should be nine.

MR. ARNO responded that from his 35 years of going to Board of Fisheries meetings, seven good individuals appointed by a fair-minded governor, and confirmed by the legislature, provides the opportunity for the majority of Alaskans to participate in the process.

[1:55:21 PM](#)

PAUL SHADURA II, spokesperson, South K-Beach Independent Fishermen's Association, noted that his community organization is dedicated to protecting and preserving the Kasilof River system. He said the association participated in the Board of Fisheries' recent Cook Inlet regulatory meeting and did not leave with all of its concerns addressed. However, he added, the association believes that the issues deliberated upon were discussed in an open, clear, and transparent process. The board offered considerable amount of time for public testimony and additional comments were allowed to clarify issues within the Committee of the Whole. He further related that advisory committee representatives were given an opportunity to express the voice of their communities, although, because of budgeting constraints, the committee chairs informed the representatives that they should limit their time. Board members spent a considerable amount of time discussing and debating several of the major overriding management plans. Mr. Shadura said his association believes the Board of Fisheries' decisions are crafted to balance and to adjust critical management plans with

a goal of high sustained yields. The board is tasked with conserving and developing opportunities, [maintaining] strong healthy productive runs, and ensuring reasonable access for all Alaskans.

MR. SHADURA offered his organization's strong support for the confirmations of John Jensen, Reed Morisky, and Fritz Johnson and said the board needs to maintain knowledgeable members in order to properly function in the field of action. He added that his organization requests the legislature to continue to properly fund this viable open meeting process, and the functions of the advisory committees. The public process must be maintained so that Board of Fisheries members and ADFG can properly address the local needs and concerns of the communities. The people are the real experts and the real stewards of the resource, he said in conclusion, and they need to have an open access to regulators, which is one clear definition of the public trust.

[1:58:02 PM](#)

JERRY MCCUNE, staff and president, United Fishermen of Alaska (UFA), offered UFA's support for the appointments of John Jensen and Fritz Johnson to the Board of Fisheries, and said UFA is neutral on the appointment of Reed Morisky. He noted, however, that he personally knows Mr. Morisky and thinks he has done a good job. He drew attention to UFA's letter contained in the committee packet.

[1:59:09 PM](#)

SAMANTHA WEINSTEIN, executive director, Southeast Alaska Guides Organization (SEAGO), testified that her nonprofit organization advocates for reasonable laws, regulations, and policies affecting guided sport fishing to protect the sustainability of member businesses and fishery resources. Southeast guided sport fishing has quickly grown over the decades to ensure visitors and residents a positive and safe fishing opportunity, she said. As the industry has grown, so too has the number of sport-related issues coming before the Board of Fisheries.

MS. WEINSTEIN expressed SEAGO's appreciation for Reed Morisky's representation of the guided sport fishing industry on the board and his facilitation of the other members' understandings of this industry.

MS. WEINSTEIN also expressed SEAGO's appreciation for John Jensen's experience, leadership, and extensive knowledge of various Southeast Alaska fisheries. She noted it can take years to learn and understand the complicated regulations and policies affecting the fishery resources, habitat, subsistence fishing, guided and unguided sport fishing, and commercial fishing, even with a background as an angler.

MS. WEINSTEIN recognized the time, effort, and responsibility required to serve on the Board of Fisheries and said Mr. Morisky, Mr. Jensen, and Mr. Johnson have stepped up to the plate to understand the concerns of, and work with, all contributors and user groups. She added she is looking forward to continuing collaboration in the coming Southeast Alaska finfish meetings, given that these resources are being borrowed from future generations. She offered SEAGO's support for moving the three appointees forward for confirmation.

[2:01:16 PM](#)

MARK RICHARDS disclosed he is the executive director of Resident Hunters of Alaska, but that today he is testifying solely on his own behalf. Based on his participation in meetings, he said the Board of Fisheries is 10 times more complicated, and the decisions much more controversial, than what happens with the Board of Game. He related that he has come to know Reed Morisky mostly from attending the Fairbanks advisory committee meetings. Even when there are no fisheries issues before the advisory committee, he continued, Mr. Morisky still attends the meetings to hear opinions and stay informed, which is one reason why he is testifying in support of Mr. Morisky's reappointment. Mr. Morisky is knowledgeable, objective, puts the resource first, he added, and is a great asset to the Board of Fisheries. He urged that Mr. Morisky's appointment be advanced and confirmed.

[2:02:44 PM](#)

CO-CHAIR TARR closed public testimony after ascertaining no one else wished to testify.

[2:02:51 PM](#)

CO-CHAIR JOSEPHSON moved to advance the confirmations of John Jensen, Reed Morisky, and Frederick ("Fritz") Johnson, appointees to the Board of Fisheries, to the joint session for consideration. The House Resources Standing Committee has reviewed the qualifications of these appointees, he continued,

and recommends their names be forwarded to joint session as noted. He noted this does not reflect intent by any of the committee members to vote for or against any of the three individuals during any further sessions for the purposes of their confirmations. There being no objection to the motion, the three confirmations were advanced.

[Co-Chair Tarr passed the gavel to Co-Chair Josephson.]

[2:03:44 PM](#)

The committee took an at-ease from 2:03 p.m. to 2:06 p.m.

HB 155-AK MENTAL HEALTH TRUST LAND EXCHANGE

[2:06:34 PM](#)

CO-CHAIR JOSEPHSON announced that the next order of business would be HOUSE BILL NO. 155, "An Act authorizing a land exchange in which certain Alaska mental health trust land is exchanged for certain national forest land and relating to the costs of the exchange; and providing for an effective date."

[2:06:55 PM](#)

CO-CHAIR TARR moved to adopt the committee substitute (CS) for HB 155, Version 30-LS0335\U, Bullard, 3/8/17, [as the working document].

CO-CHAIR JOSEPHSON objected for discussion purposes.

[2:07:24 PM](#)

REPRESENTATIVE DAN ORTIZ, Alaska State Legislature, prime sponsor of HB 155, noted there have been no changes from the original bill that he presented to the committee on 3/27/17.

[2:08:10 PM](#)

CO-CHAIR JOSEPHSON requested a summary of the changes from the original bill that are made by Version U.

CAROLINE HAMP, Staff, Representative Dan Ortiz, Alaska State Legislature, on behalf of Representative Ortiz, sponsor, first provided a sectional analysis of HB 155, and then an overview of the changes in Version U. She explained that section 1 in Version U discusses the purposes of the Act. Section 2 details

that the parties are subject to these provisions and not AS 38.05.801. Section 3 describes the lands included in the proposed trade, and she said maps depicting those lands accompany the bill. Section 4 provides a timeline for the proposed exchange and prioritizes which lands would be exchanged at what point in time. Section 5 provides the process that will occur should the final appraisal find the values of the exchange not to be equal. Section 6 provides circumstances that will need to occur in order to make the Act effective. Section 7 provides an effective date.

MS. HAMP next discussed the changes between the original bill, Version 0, and the CS, Version U. She explained the original bill is dated 2/27/17, and Version U is dated 3/8/17. On 3/3/17, the sponsor received updated maps from the federal legislation. [To comport with federal legislation], Version U takes out parcel NB-2, which was a map in the original legislation, and changes the acreage. Pages 3, 4, and 5 [of Version U] detail the changes that are made in regard to the maps and the acreage. In response to Co-Chair Josephson, she noted that a summary of changes was provided in the committee packet.

[2:10:37 PM](#)

REPRESENTATIVE RAUSCHER asked how much was the change in acreage.

MS. HAMP replied that the total acreage changed from 18,274 acres to 18,313 acres exchanged for federal lands. For the Alaska Mental Health Trust, the acreage changed from 20,580 [acres] to 20,645 [acres].

REPRESENTATIVE RAUSCHER inquired whether the changes are in the state's favor.

MS. HAMP responded the changes were made to accommodate the lands [the state] has so they were accurate to the maps that are now had. It does not necessarily mean the value the state incurred is more or less, it will be an equal value exchange.

[2:11:42 PM](#)

REPRESENTATIVE DRUMMOND noted that committee members don't have the aforementioned maps before them.

MS. HAMP answered the maps are on the Bill Action Status Inquiry System (BASIS).

CO-CHAIR JOSEPHSON offered his understanding that these are the adjustments to the maps that [were previously] provided to committee members.

MS. HAMP replied the new and most recent maps that go with Version U have written at the bottom, "Map Revision Date - 03-03-2017".

REPRESENTATIVE ORTIZ asked Representative Drummond whether she has the [3/3/17] maps.

REPRESENTATIVE DRUMMOND responded that there are no maps in the supporting documentation for this meeting.

MS. HAMP advised it should be titled "additional documents - maps".

2:13:00 PM

REPRESENTATIVE BIRCH noted the land exchange would be about 20,000 acres and inquired what an acre of forested land would be worth versus an acre of unforested land.

MS. HAMP deferred to Mr. Wyn Menefee.

REPRESENTATIVE BIRCH opined it is a shame that there is not a successful timber industry on the [Tongass National Forest]. He said he is curious as to what the economic value would be for the timber resource included within the exchange.

WYN MENELEE, deputy director, Alaska Mental Health Trust Land Office, Office of the Commissioner, Department of Natural Resources (DNR), responded the value of the timber depends on whether it is old growth or spruce or cedar - different values are associated with the different timber types. He offered to provide the committee with a chart showing these assessments, saying he doesn't have the chart with him and so cannot provide the exact amount per acre at this moment.

REPRESENTATIVE BIRCH restated his question.

MR. MENELEE answered he doesn't have this information with him and doesn't want to provide an incorrect answer.

2:15:04 PM

REPRESENTATIVE RAUSCHER offered his understanding that the Alaska Mental Health Trust ("the Trust") has many different types of land. Some has mining on it and some can be developed with subdivisions. He asked whether any of the land included in the bill is for anything other than timber.

MR. MENEFEE replied that when the Trust receives lands the lands do not have any restriction for the type of use. The Trust could use the lands for subdivisions, mining, or timber harvest. Trust [managers] maximize the revenue and try to use the highest and best use to produce the best revenue.

REPRESENTATIVE RAUSCHER inquired whether all the aforementioned aspects are taken into account or just the timber aspect when trying to figure out the value of what is being traded. He presumed there are many ways to measure the economic value of one piece of property versus another piece and said he would like to know how this particular one is being done.

MR. MENEFEE responded that two different values are in the federal legislation. The United States Appraisal Standards must be followed, he said, as well as another national appraisal standard. It takes into account the highest and best use that the appraiser feels the land can be used for and then values it accordingly. So, if the appraiser sees that timber is going to be the highest and best use, it will be valued for the timber. If the appraiser sees that subdivision development is the highest and best use, it will be valued for that. He explained that the reason Ms. Hamp said the acreage is not critical is because that is not representing what actually gets traded at the end. After the appraisals are done it will be seen what makes the equal value in land exchange and the acreages will be adjusted accordingly.

REPRESENTATIVE RAUSCHER inquired whether this is done through an agency.

MR. MENEFEE answered the U.S. Forest Service (USFS) has to contract, or write the appraisal instructions, and the Alaska Mental Health Trust Land Office pays for it. [The work] is done by people who are approved to do federal appraisals.

2:18:40 PM

REPRESENTATIVE WESTLAKE offered his understanding that there is HB 155 and a similar federal concurrent resolution [in Congress], and that moving HB 155 is going to be contingent on the federal legislation passing. He offered his understanding that Version U is just topographical, and said that in his opinion [the change] in acreage is miniscule. He asked whether he is correct in understanding that passing HB 155 is part of a synergy that is going on.

REPRESENTATIVE ORTIZ affirmed Representative Westlake's summary.

2:19:38 PM

CO-CHAIR JOSEPHSON opened public testimony on HB 155.

2:19:53 PM

DAVID LANDIS, mayor, Ketchikan Gateway Borough, testified that the Ketchikan Gateway Borough has repeatedly and consistently supported the land exchange legislation referenced in HB 155 because it is a win-win-win proposition. It is a win for the region's timber industry, he said, because it is important for Southeast Alaska's economy to provide a consistent supply of timber for those jobs that are directly involved in the industry as well as the affiliated businesses that are vendors to the timber industry.

MAYOR LANDIS stated the exchange is also a win for the citizens of Ketchikan and the over one million tourists who will visit Ketchikan each year because there are Trust lands to be exchanged directly behind Ketchikan on Deer Mountain. There are also Trust lands to be exchanged on Gravina Island across Tongass Narrows, he pointed out. These are major viewsheds for the community and the Deer Mountain parcel also has very popular trails used by locals and visitors. There is very little support in Ketchikan to log these areas, he related, and the swap would protect these lands and provide other lands much more suitable for timber sales.

MAYOR LANDIS further said the exchange is also a win for the Alaska Mental Health Trust because Ketchikan, like other communities, has citizens who suffer from mental illnesses, substance abuse, and other disorders. The Trust needs revenue to fund those efforts and this [proposed] land exchange would provide that revenue. This exchange, he said in conclusion, is as close as one can get to a win for everyone involved.

2:22:02 PM

CHERYL FECKO testified in opposition to HB 155. She said she has worked, recreated, and harvested local foods from Prince of Wales Island and feels strongly about maintaining her quality of life. While she understands why Ketchikan and Petersburg are opposed to logging by the Trust in the areas that are important to them, she said she doesn't understand why people feel there would be no opposition to exchanging that land for parcels on Prince of Wales Island near the communities of Naukati, Hollis, and other places on the island. She said the Trust's recent [timber] sale in the Control Lake area, a popular recreation site in central Prince of Wales Island, is a perfect example of the in-your-face clear-cut logging that would concern the people of Ketchikan and Petersburg if it were done in their backyard.

MS. FECKO noted that Prince of Wales Island has experienced extensive logging over the last 50-plus years and now the challenge is to retain a quality of life and a healthy island ecosystem as the public land on Prince of Wales Island continues to be carved into private- and state-owned lots. She is not opposed to the timber industry or to the needs of the Alaska Mental Health Trust, she added, and hopes a way can be found to do things a bit differently. She said she would like the bill's sponsor, the House Resources Standing Committee, and the people of Ketchikan and Petersburg to know that she, too, cares about the place where she lives.

2:24:08 PM

DENNIS WATSON, mayor, City of Craig, testified in support of HB 155. He said it is important for Prince of Wales Island, the timber industry, and the island's largest sawmill. Many jobs are tied up with this and this [land] exchange has been on the table for years. There has been plenty of time for working on the parcels that were finally selected for the exchange, he continued, and it is time to move forward with getting this issue settled.

MAYOR WATSON said Viking Lumber's sawmill in Klawock is huge because it has a year-round payroll in an area where jobs are really scarce. Contracts with the sawmill provide millions of dollars. He noted he has lived in Craig for 42 years and worked at the sawmill during his first two years. The sawmill is an important part of the economy, he said, and passing HB 155 is very important to the mill's existence. Actions by the last federal administration cut back on the amount of available

federal timber and right now the exchange is a stopgap measure to keep the sawmill and the island's economy going.

2:26:31 PM

REPRESENTATIVE BIRCH stated he shares Mayor Watson's interest and conviction regarding the importance of the timber industry in Southeast Alaska and the Craig community. He asked whether there are other avenues or venues in which the legislature can be supportive of an expanded timber industry in the state.

MAYOR WATSON replied that a state forest is needed and said the infinite litigation and ridiculousness of trying to get anything done has been an impediment. He allowed that in the beginning he thought a state forest concept was foolish, but now he thinks it is the only way and he hopes the state legislature and administration will follow up on it because it is unknown what will happen with federal administrations.

REPRESENTATIVE BIRCH said he supports the [proposed] land trade.

2:27:40 PM

CO-CHAIR JOSEPHSON offered his understanding that there are multiple state forests in southern Southeast Alaska. He asked whether Mayor Watson wants a larger state forest.

MAYOR WATSON responded yes, it is a large selection that is being talked about so there would be an ample supply of timber. Most of the people following this issue, he continued, believe the transition that the last federal administration wanted to do immediately is about a 20-year process. A miniscule amount of timber is being taken today as compared to the days when 600 million [board feet] was being cut. It should be spread around a lot more than it presently is, he said, but the current focus is on what can happen right now and hopefully this exchange is the bridge to the future. State forests are available right now, he said, but they are a small, patchwork quilt.

2:28:48 PM

REPRESENTATIVE DRUMMOND noted she has been to the area where Mayor Watson lives and said it is a spectacular place. Drawing attention to the maps provided by the sponsor, she observed that the two [proposed] areas on Prince of Wales Island are the Naukati and Hollis areas. She inquired whether these two areas would benefit the sawmill.

MAYOR WATSON replied he doesn't know if anybody from Naukati works at that, but the answer is yes that both areas are very important to making this happen. Both areas are very high-value timber selections, he continued, and both are places that have had timber harvest off and on through several years. Hollis is one of the original spots where the long-term [timber] contracts started some 50 years ago.

[2:29:35 PM](#)

REBECCA KNIGHT testified that her opposition to HB 155 is based on a variety of grounds. A far better alternative, she said, is a federal buyout of the Alaska Mental Health Trust's lands included in the proposed exchange. Such a buyout would satisfy the Trust's mission to improve the lives of beneficiaries as well as impacts to Petersburg and Ketchikan area landowners, and a buyout would also avoid long-term and massive landscape level impacts elsewhere if the exchange is enacted.

MS. KNIGHT pointed out that the Alaska Forest Resources and Practices Act governs logging on the Trust's lands. This antiquated law is far weaker than federal regulations, she said. For instance, it has no limit on the size of clear-cuts. She related that in August [2016], Paul Slenkamp of the Trust stated that the Trust was "in final negotiations with Viking Lumber for all the Prince of Wales land it would get under the exchange legislation." She urged there be a clarification of just what these "final negotiations" entail.

MS. KNIGHT posited that changing the action from an exchange to a federal buyout would lend support on a congressional level and would greatly improve its chances of passage by reducing or even eliminating opposition, and would result in no environmental harm. Given a fair chance of passage, she said, the Trust could finalize the action much sooner and with less expense for survey and appraisal since only about half the lands would be involved. It also makes fiscal sense because it would cost the Trust about half the \$6 million in cost cited by the Trust for the exchange. A federal buyout of the Trust's problematic lands is a reasonable solution, she posited, because Congress created the Trust and endowed it with lands to support itself, leading to problems due in part to the controversial nature of the lands selected. She further noted that the Petersburg Borough Assembly supports the buyout option if the exchange legislation fails to pass Congress by 1/15/17. In response to Co-Chair

Josephson, she agreed to provide a copy of the borough assembly resolution.

2:32:22 PM

LARRY EDWARDS testified in opposition to HB 155. He said the bill is unacceptable as written because it trades one very bad problem for an equally bad problem. The problem the bill would create is explained in three of the [written] comments on record from the [3/27/17] hearing that were submitted by Doug Rhodes, by Rebecca Knight, and by the Greater Southeast Alaska Conservation Community (GSACC) [under document named, "HB 155 Public Comments. pdf"]. He urged the committee to amend HB 155 to authorize a federal buyout of the problematic Trust lands instead of a land exchange. He pointed out that Congress established the Trust and its land endowment, which has led to the current dilemma. Buying out these 18,000 acres - 1.8 percent of the original million-acre endowment - is a reasonable and sellable solution, he posited. The legislature's passage of a bill amended accordingly would direct Alaska's congressional delegation to secure a buyout act.

MR. EDWARDS addressed testimony on the bill that was provided by the Alaska Mental Health Trust Land Office [3/27/17]. He offered his belief that the Trust's testimony blatantly misinformed the committee in several ways, the details of which he has submitted to the committee in writing. For example, he explained, the "brown" map on page 10 of the Trust's written testimony either demonstrates utter incompetence on Southeast Alaska's land management issues, or is an outright lie. The brown color is labeled, "Natural settings with old-growth harvest land use designations," and is mostly overlain with cross-hatching to indicate that this supposed old-growth cannot be logged because of the Roadless Rule. However, he pointed out, most of the brown is not old-growth forest, or even forest, at all. Another example on the same map is the big brown block near Juneau, which is almost entirely the Juneau Ice Field and high alpine areas - very, very little of that brown is old-growth forest. This same thing occurs in the brown area shown on the Chilkat Peninsula across Lynn Canal, he continued, and again in the brown area shown for the unforested high mountain spines of Chichagof and Baranof islands. This deception repeats itself throughout much of the brown-colored areas on the map, he said, and also in the tan Wilderness areas. He further noted that these same errors or deceptions also carry through to the table on that map page.

2:36:04 PM

REPRESENTATIVE DRUMMOND recalled Mr. Edwards referring to a document provided by GSACC that is three pages long with one map and which can be found on BASIS. She further recalled Mr. Edwards referring to page 10 of a similar document and asked Mr. Edwards to provide that document or tell the committee how to identify it.

MR. EDWARDS replied that the document is in the record for the committees [3/27/17 hearing of HB 155] and is provided as two different documents - one a PowerPoint and one a PDF file. Both are Alaska Mental Health Trust documents, he said, and are the presentation provided on screen by Mr. Wyn Menefee.

2:37:03 PM

MIKE SALLEE testified in opposition to HB 155. He stated that for three and a half decades he has been a self-employed owner-operator of a small sawmill, as well as a commercial fisherman and harvest diver. Today he is representing himself and his lumber customers in opposition to HB 155, he said. He is a logger by virtue of needing logs for his sawmill operation. He does not fell trees; he takes only dead and down trees carried to tidelands. His brother was a lifelong logger and a mentor to him.

MR. SALLEE said he has resided on Gravina Island since 1956 when his mother began a homestead there. Since 1956 he has enjoyed dozens of hunting expeditions on the island for deer and grouse, as well as just hiking. Therefore, he has seen a lot of what went on when the Alaska Mental Health Trust began logging on Gravina Island and, he noted, it has not been pretty. Way too much wood is wasted, he reported, and a high percentage of felled commercially viable timber is left to rot. The sawlogs that are removed are primarily exported in the round, leaving no opportunity for local processing. As a local sawmiller, he continued, he gets numerous calls for yellow cedar lumber, but yellow cedar lumber does not commonly get carried to tidelands where he gets most of his logs from blowdowns and landslides. Furthermore, he recounted, the tops, cull trees, and other logging slash are neither removed from the woods nor cut up into smaller pieces so as to more quickly break down.

MR. SALLEE stated that while HB 155 takes some critical timberlands off the chopping block, for example Deer Mountain plus other lands near Petersburg and communities, it does little

more than kick the can down the road. It does nothing to clean up the current logging methods. It does nothing to keep local timber for processors near Ketchikan. The best option instead of a land trade, he urged, would be an outright cash payment to Alaska Mental Health Trust to buy off Trust lands with timber interest. He offered his understanding that such a buyout could be accomplished through the U.S. Forest Service.

[2:39:29 PM](#)

EMILY FERRY, deputy director, Southeast Alaska Conservation Council (SEACC), testified that SEACC's concern is less about the specific content of HB 155 and more about the overall intent. Specifically, she explained, a handout provided by the Alaska Mental Health Trust mentions that a main goal is to promote the timber industry in Southeast Alaska. But, she said, the bill sets up a "Catch 22". The Trust is mandated to generate revenue to benefit its beneficiaries. However, she advised, selling timber locally tends to not produce the most revenue. This was seen last year when the legislature passed a bill that allowed the state to offer timber at a reduced cost if it was sold to instate processors because they couldn't compete with export markets. So, she continued, if one seeks to increase the benefits to the Trust, one would export that timber because in the current market that would generate the most revenue. To promote the timber industry the Trust would have to sell the timber at a reduced cost and therefore it's a Catch 22.

MS. FERRY addressed the earlier statement that HB 155 would be a win-win-win situation. She said it would be a win for some - the folks who SEACC has worked with for years to ensure that the hillsides in Ketchikan and Petersburg don't get logged. However, she continued, it is certainly not a win for the folks on Prince of Wales Island where whole areas would be logged. And, it is questionably a win for the Trust's beneficiaries. She said SEACC believes that other avenues could be looked at for resolving this issue and maximizing the benefits to the Trust, whether that is the federal buyout mentioned earlier or working with conservation buyers.

[2:42:13 PM](#)

CO-CHAIR JOSEPHSON inquired whether SEACC's thesis is that if the Alaska Mental Health Trust must maximize its assets then it would need to export [the timber] because that is more valuable.

MS. FERRY replied yes, under the current economics.

CO-CHAIR JOSEPHSON offered his understanding that export is not the plan.

MS. FERRY concurred that export is not the plan; the bill doesn't necessarily achieve that win-win-win scenario that is being looked for.

CO-CHAIR JOSEPHSON surmised that in terms of conservation there would be some net gain in that existing Trust holdings, such as Deer Mountain, are vulnerable to harvest now, as are the parcels to be obtained, although there is the Roadless Rule and a significant slowdown. [Under HB 155, Deer Mountain and some places] would be conserved in an easement while other places would not. He asked whether he is correct in understanding that there is a net protection of timber, but noted he is saying this without having walked this land and knowing what it looks like.

MS. FERRY responded that in his testimony, Mr. Edwards spoke to other areas of land that were going to be exchanged that didn't have high timber values so weren't likely to be logged. She agreed there is an element to what Co-Chair Josephson spoke to, but said it could also be looked at other ways and looking at a different solution altogether might be the way to go.

[2:44:07 PM](#)

REPRESENTATIVE BIRCH stated that the carrots in his garden are vulnerable to harvest every fall when they finish growing. He inquired whether Ms. Ferry sees any potential for a sustainable harvest and management of timber resources in Southeast Alaska for the benefit of the region's people and economy, recognizing that there are a number of years between reforestation. He said the Trust obviously sees it as a significant economic plus.

MS. FERRY answered she does see that, but said it is going to be much different than was seen 20-30 years ago. It is going to be small-scale artisan-type work, she said, and old growth logs are needed for that, which is something Alaska can produce but Oregon and other states cannot produce. If the old growth resource is liquidated now, and whether it is sold to Viking Lumber for a reduced cost or exported for more money, that [old growth] wood resource is going to be gone; it is not infinite. The forest will grow back, she continued, but it will take 300 years to get to the state of high-value old growth timber that can be used for such things as guitar tops and totem poles. She related that SEACC already sees it much smaller; for example,

the current number of timber jobs in Southeast Alaska represents about one-half of 1 percent of the region's jobs. People are still operating from 20 or 30 years ago when it was a much bigger part of the economy, she said, but the reality is that it is less than 1 percent of the current economy, and while that could change a little it would not be significantly.

2:46:21 PM

VICTORIA MCDONALD testified she has hiked Deer Mountain many times and considers it a memorable landmark and does not want to see Deer Mountain logged for Alaska Mental Health Trust funding. Nor, she continued, does she want the land trade to shift the cutting to Prince of Wales Island, which has already been heavily impacted, as has Revillagigedo Island. If the focus of the Trust is to make money, she encourages state and federal officials to think and act creatively and find another means for providing money for mental health. She offered her belief that the men and women who set aside these mental health lands could not have imagined the massive clearcuts in southern Southeast Alaska. This issue has been debated for many years and needs to be solved using collaboration and compromise. As for a viable timber industry in Southeast Alaska, she said, that is a myth that is repeated over and over. While there are trees still on the mountains, the best and viable timber has already been cut for the pulp mills or shipped overseas. The timber industry contributes very little to the area's economy; rather, it is fishing and tourism.

2:48:00 PM

BOB WEINSTEIN, spokesperson, Save Deer Mountain, testified in support of HB 155. The purpose of the bill, he noted, is to authorize the Alaska Mental Health Trust to exchange some of its landholdings with the U.S. Forest Service. The exchange would involve Deer Mountain, the iconic backdrop of the community of Ketchikan. He related that last August and thereafter the Trust's committees and its board of directors voted to log Deer Mountain as well as a sensitive parcel in Petersburg unless pending federal legislation to exchange the parcels with U.S. Forest Service land was passed by the end of 2016. The Ketchikan public vehemently objected to the board's decision to harvest the trees on Deer Mountain and the city, borough, and local tribal governments also all opposed the plan.

MR. WEINSTEIN continued, noting that ultimately the Trust's board rescinded its action, regrouped, and is now working with

the Alaska congressional delegation on federal exchange legislation, which was reintroduced in the new Congress. He offered his understanding that a bill by Senator [Lisa] Murkowski is scheduled for mark-up [3/30/17] and will be reported out of committee. For this reason, he said, the House Resources Standing Committee needs to move state-authorizing legislation through the committee process and onward to final consideration by the House of Representatives so that when the federal legislation passes the exchange can be implemented in an orderly and timely fashion.

MR. WEINSTEIN addressed the earlier question about the value of some of the parcels. He reported that the Alaska Mental Health Trust Land Office has estimated it would get revenues of up to about \$3 million from the Petersburg parcel and about \$2 million from the 898 acres on Deer Mountain. He offered his belief that if a value-for-value trade was done, the Trust would expect to get the same kind of revenue from the U.S. Forest Service land and other parcels that are being considered for exchange.

2:50:56 PM

CHARLES WOOD, spokesperson, Mitkof Highway Homeowners Association (MHHA), testified in favor of HB 155. He said MHHA is a group of 95 Petersburg homeowners living below and commuting along State Highway 7, the Mitkof Highway, which lies at the foot of the Trust's demonstrably steep unstable hillside parcels. Soils across a majority of the Trust's parcels are of concern to MHHA, he reported, because U.S. Forest Service (USFS) orthophotographic maps show them as being landslide hazard soils. The majority of these parcels exceed the USFS standards pertaining to logging. Mr. Wood further pointed out that the Mitkof Highway corridor below the Trust parcels in question have also been analyzed and mapped as a landslide hazard zone by the state's Division of Forestry's Landslide Science and Technical Committee. He said the Division of Forestry has no criteria for best management practices specific to logging steep unstable slopes within inhabited landslide hazard areas. If the Trust were to log these slopes it would do so under the guidance of the Alaska Forest Resources and Practices Act.

MR. WOOD stated that logging within an inhabited landslide hazard area is unwise as well as inconsistent with the public interest and the maximum benefit to people. The sole focus of MHHA over the past 11 years has been entirely on public safety, he related. Never once has MHHA mentioned viewshed, community backdrop, local recreation opportunities, wildlife corridor, or

tourism, though each of these issues present reasonable arguments in favor of the land exchange. Nor, he continued, has MHHA offered commentary on the Trust lands next to other communities or the USFS lands involved in the exchange.

MR. WOOD said logging the slopes above the homes of MHHA members runs the risk of accelerated landslide activity, and the MHHA has absolutely no confidence that the Division of Forestry's best management practices and guidelines will provide sufficient safeguards to protect homes and property from unwise timber harvest. Conversely, he continued, MHHA does expect that USFS management of the hillside will entail other criteria, which will ensure that public safety will not be impacted by logging. The committee may also wish to consider that the majority of the population in Southeast Alaska resides in close proximity to the Trust lands involved with this land exchange, he added. As such, for any number of reasons the parcels are clearly more beneficial to be left in their natural state for multiple-use by the public, which is more likely to occur under USFS guidelines and standards. He urged the committee to support HB 155.

[2:53:53 PM](#)

CYNTHIA LAGOUDAKIS, vice-mayor, Petersburg Borough, testified in favor of HB 155. She said the bill represents a 10-year effort by the residents of Petersburg and Ketchikan, the U.S. Forest Service, and the Alaska Mental Health Trust to affect a land exchange within the Petersburg Borough and elsewhere in Southeast Alaska. The Petersburg Borough seeks to protect the natural resources within the borough's boundaries, she continued, and especially the lives, property, and peace of mind of those borough residents who live in close proximity to the current Trust lands that are under consideration. The borough has concerns for the downstream and downslope effects of any potential timber harvest in this area given the credible scientific information regarding landslides and other hazards.

VICE-MAYOR Lagoudakis noted that especially in this current fiscal climate the Alaska Mental Health Trust must manage its resources for financial efficiencies to best achieve its mission. Expediting the land exchange outlined in HB 155 would help significantly in realizing those efficiencies, she said. An exchange of Trust lands for USFS lands identified in HB 155 would meet those objectives to the satisfaction of the Petersburg Borough and its residents, as well as other parties affected by this agreement. To that end, she concluded, the borough concurs with and encourages passage of HB 155.

[2:55:26 PM](#)

The committee took a brief at ease.

[2:55:54 PM](#)

CO-CHAIR JOSEPHSON removed his objection to the adoption of the CS [for HB 155], Version U, as the working document.

CO-CHAIR JOSEPHSON closed public testimony.

There being no further objection, Version U was before the committee.

[2:56:25 PM](#)

REPRESENTATIVE BIRCH stated that as a resource-inclined person he is thrilled to see this initiative by the Alaska Mental Health Trust and the federal [agency] working to make this a reality. He estimated that at \$2 million for almost 1,000 acres [in Ketchikan] and \$3 million for 3,000 acres in Petersburg, the average is between \$1,000 and \$2,000 per acre in realized revenues from the harvest. As a sustainable industry, where the wood product can be harvested and then the regrowth harvested, this is a great effort, he continued. The mapping is detailed and helpful, and it sounds like a win-win from the standpoints of the communities, the public, and the Alaska Mental Health Trust.

[2:57:43 PM](#)

REPRESENTATIVE PARISH recognized the conflict brought up by Ms. Ferry and asked what could be done to assure that the citizens of Southeast Alaska gain the maximum benefit possible through local processing. He requested Mr. Menefee to respond to this as well as to the assertion about a high degree of wastage.

MR. MENEFEER replied that there are different standards between state harvest and federal harvest; the certain number of logs gotten out of a tree varies from state to federal [regulations]. But, he continued, all state laws are followed. The Trust believes it does receive fair revenue [from the exchange]. He acknowledged every single log does not get cut to every satisfaction. Something could potentially be worked out where somebody comes in and can cut more in certain situations. In regard to the issue that the Trust will ship the logs overseas

versus cut locally, he said it is in the best interest of the Trust to ensure it has customers that will purchase its timber because the Trust will make revenue off of it. State laws guide how the Trust can sell the timber, both commercially and negotiated. The Trust will take into full consideration the issue that it needs its market purchasers along with the revenue that the Trust needs. So, he added, it is a balancing thing, and the Trust will design its timber sales accordingly to take that into account.

3:00:09 PM

REPRESENTATIVE RAUSCHER opined that there is a certain amount of economic value to be gained in keeping jobs local and selling things local, rather than selling overseas. He said other things must be taken into account besides the price tag of what a board is worth, and that has a bearing on how to value the weight of this as far as an economic value for the local people.

3:01:05 PM

REPRESENTATIVE TALERICO said he has no doubt the sponsor is doing this in the best interest of his community. He noted the backup documentation from local government organizations composed of elected officials, and said these resolutions and letters are important to him because he is a big believer in local government and local control. He stated he personally has an issue with any land sales to the federal government because over 150 million acres in Alaska are in parks, monuments, and preserves, plus another 50 million acres are controlled by the U.S. Bureau of Land Management and the U.S. Forest Service. Therefore, he continued, the federal government controls 200 million acres of the 363 million acres available in the state of Alaska. State ownership and keeping land in [the state's] hands are important, he opined. The Alaska Mental Health Trust looks at health overall and that could also be the health of a community. A reasonable economy in a community provides local jobs and makes things better and healthier for everyone in the community.

3:03:14 PM

CO-CHAIR TARR moved to report CS for HB 155, Version 30-LS0335\U, Bullard, 3/8/17, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHB 155(RES) was reported from the House Resources Standing Committee.

[3:03:48 PM](#)

The House Resources Standing Committee meeting was recessed at 3:03 p.m., to be continued at 5:00 p.m.

[5:11:34 PM](#)

CO-CHAIR JOSEPHSON called the House Resources Standing Committee meeting back to order at 5:11 p.m. Present at the call back to order were Representatives Josephson, Tarr, Parish, Birch, Talerico, and Westlake.

HB 129-FISH & GAME: OFFENSES;LICENSES;PENALTIES

[5:11:44 PM](#)

CO-CHAIR JOSEPHSON announced that the last order of business would be HOUSE BILL NO. 129, "An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; creating an exemption from payment of restitution for certain unlawful takings of big game animals; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of 'electronic form'; and providing for an effective date."

[5:12:50 PM](#)

MAJOR BERNARD CHASTAIN, deputy director, Division of Alaska Wildlife Troopers (AWT), Department of Public Safety, introduced HB 129 [on behalf of Governor Walker]. Major Chastain said HB 129 accomplishes four primary goals. First, he explained, the bill would allow for issuing a correctable citation to a person who does not have the appropriate sport fishing, hunting, or trapping license in his or her actual possession. This is similar to [citations issued for] correctable headlights or correctable vehicle insurance. Second, he said, the bill would make it unlawful for a person to obtain a sport fishing, hunting, or trapping license if that person has had his or her rights to engage in those activities revoked or suspended in any other state, and including Alaska. Third, he continued, the

bill would increase restitution amounts for unlawfully taking big game animals and would increase strict liability commercial fishing fines for first, second, and third offenses. Fourth, he stated, the majority of the bill would standardize penalties within Title 16 and would create an option for charging as a class A misdemeanor, which most are already but this would also give troopers an option for charging as a violation offense.

[5:14:22 PM](#)

MAJOR CHASTAIN explained that section 1 of HB 129 would amend AS 16.05.330(a) to include the word "permit" in addition to "license" and "tag" for purposes of clarifying the proper types of documentation a person must have in his or her actual possession. Thus, a person would have to have a permit, license, and tag in his or her actual possession. Additionally, section 1 would renumber [the activities listed in] 1 through 5. They are renumbered, he said, because 1 and 2 are sport offenses and 3, 4, and 5 are considered commercial activities.

MAJOR CHASTAIN stated that section 2 would amend AS 16.05.330(d) to make it unlawful for a person to purchase a sport fishing, hunting, or trapping license if his or her rights to engage in those activities have been revoked or suspended in "this or" another state. Current statute directs that a person who applies for a sport fishing, hunting, or trapping license or other permit or tag issued under this section, shall sign a statement that his or her right to obtain or exercise a privilege is not revoked or suspended in another state. Surprisingly, he pointed out, this statute does not include Alaska; adding the words "this or" makes the statute include Alaska.

[5:15:54 PM](#)

REPRESENTATIVE WESTLAKE directed attention to the bill on page 2, line 7 which read:

(5) control of nuisance wild birds and nuisance wild small mammals for compensation.

REPRESENTATIVE WESTLAKE said in villages, and sometimes in Kotzebue, there are bird strikes with planes and he asked whether this provision would make it illegal for a person to scare off nuisance birds when someone else buys the shells for this purpose, but does not compensate the person for scaring off the birds.

MAJOR CHASTAIN replied the requirement states that a license or permit is required in order to do that activity. While troopers do not encounter this very often, there are folks who do that around the state for compensation. There are businesses that do this, he continued, and they must have that permit from the Alaska Department of Fish & Game (ADFG).

MAJOR CHASTAIN resumed his sectional analysis. He said section 3 would amend AS 16.05.330 by adding three subsections. The first proposed new subsection would make it a correctable offense by providing that a person charged with failing to have the appropriate sport fishing, hunting, or trapping license in his or her actual possession may not be convicted if no later than 30 days after the issuance of the citation the person produces a license previously issued to that individual that was valid at the time of the offense. The official correctable citation would be brought in to any office of the Division of Alaska State Troopers, Department of Public Safety, within the state, it would be signed off within 30 days, and it would not go on the record. It would basically be considered a warning to the person for not having a license [in actual possession], he said. Licenses are sometimes forgotten at home or in a vehicle and currently if an individual does not have a license on his or her person troopers must decide whether the person actually does have a license since people don't always tell the truth. A correctable citation would make it much easier for the person who does have a license and this person doesn't have to pay anything.

[5:18:30 PM](#)

MAJOR CHASTAIN explained that the second proposed new subsection in section 3 would allow for actual possession to include electronic form. At some point in the future, he related, ADFG desires to have a system of electronic licensing and this provision would allow a hunter, fisher, or trapper to decide whether to carry his or her license electronically instead of in paper format.

MAJOR CHASTAIN stated that the third proposed new subsection in section 3 would hold the peace officer inspecting an electronic license in the field immune from liability if damage occurs to the device in the process of inspection. Hunting, fishing, and trapping licenses are often inspected in adverse conditions aboard boats in violent seas or while hands are contaminated with fish or game parts in remote locations. If something

happens to the device in the short time that the peace officer is inspecting the license, this subsection would hold the agency immune, he continued. If this subsection is implemented, these resource users will have the ability to carry their licenses in either paper or electronic format.

MAJOR CHASTAIN related that section 4 would remove under AS 16.05.430, fish and game penalties, the specific fine of \$1,000 and penalties associated with an unclassified misdemeanor, and would replace it with a class A misdemeanor.

MAJOR CHASTAIN noted that onward from section 4 he is going to lump together a number of sections because they all follow the same pattern. Over the years within Title 16, he explained, a series of penalties have been added by the legislature somewhat piecemeal. Some of those penalties are less than a class A misdemeanor, and some are more. The bill would align the penalties to class A misdemeanors and point to Title 12, which defines a misdemeanor. For lesser offenses, he said, the bill would allow troopers to charge a violation offense, which is a maximum [fine] of \$500. In all the regulations created by the Board of Game and the Board of Fisheries that govern hunting and fishing, he continued, troopers are allowed to reduce crimes to a violation offense. Troopers can decide through the district attorney's office whether the violation is not as serious as a misdemeanor, and instead charge it as a violation offense, which is a reduced offense. In fact, a violation is not considered a criminal offense and does not go on a person's criminal record, he explained. It is basically a ticket that is paid like a traffic ticket. Thus, the bill would align penalties as class A misdemeanors, and create sections for violations to be charged.

[5:21:15 PM](#)

MAJOR CHASTAIN noted section 5 relates to section 4. He said section 5 would [amend AS 16.05.430 by adding two subsections] and would create the ability to charge some of the offenses as violations, as well as misdemeanors.

MAJOR CHASTAIN said section 6 [would amend AS 16.05.722(a) in relation to fines for] strict liability commercial fishing violations. Strict liability, he explained, means a person is strictly liable for his or her offense regardless of the culpable mental state. He posed an example involving a road traffic situation: If a person is going 75 miles per hour in a 55 mile per hour zone, the police officer does not have to show that the driver knew the speed limit was 55, and does not have

to show the driver knew his or her speed was 75. The police officer only needs to show the driver was doing 75 miles per hour. The driver is strictly liable for that offense and no culpable mental state is required to prove that. The two types of violations in commercial fishing, he stated, are strict liability commercial fishing violations, which are not criminal offenses, and class A misdemeanors.

MAJOR CHASTAIN said the [increased] fine amounts proposed in section 6 for first-, second-, and third-time strict liability commercial fishing offenses within a 10-year period are the maximum amounts the court could impose if the commercial fisher is found guilty. The current fine amounts were established in 1988 when the Alaska State Legislature enacted this section, he pointed out. While the proposed amounts look like the fines have gone up, it is actually an adjustment for inflation to 2016 dollars. The fines for first- and second-time offenses would go up by 50 percent and the third-time offense, which was enacted after 1988, would go up [less than 50 percent].

MAJOR CHASTAIN explained section 7 would amend [AS 16.05.722] by adding a new subsection that would require the court to transmit notice of all convictions under this section to the Alaska Commercial Fisheries Entry Commission (CFEC), which is the keeper of commercial fishing points. Like with a driver's license, he continued, a commercial fisher can get points on his or her commercial licenses and if a certain amount of points are accumulated on the license over a 10-year period of time, the CFEC can revoke or suspend that person's commercial fishing license. The points would be transferred with the conviction and CFEC would then apply those points.

MAJOR CHASTAIN stated that sections 8, 9, 10, 11, 12, 13, 14, 15, and 16 are all adjustments to class A misdemeanors and violations; penalties within each section are adjusted and a [subsection] for violations to be charged is created with each section.

[5:24:31 PM](#)

CO-CHAIR JOSEPHSON related that for a couple years he did Title 16 and Title 5 under [Alaska] Administrative Code prosecutions. He said it seemed like there was frequently an opportunity to charge something as a Title 5 violation instead of a Title 16 misdemeanor. He asked what the change is for offenses such as failure to salvage and wanton waste.

MAJOR CHASTAIN requested confirmation that the aforementioned question is about when [a trooper] decides that a violation is appropriate or that a misdemeanor is appropriate.

CO-CHAIR JOSEPHSON replied yes, and further asked whether that discretion hasn't already been available where a trooper could either charge as a criminal offense or as an infraction.

MAJOR CHASTAIN responded that currently within the [Alaska Administrative Code (AAC)], within the regulations the Board of Fisheries and the Board of Game create, [troopers] do have the ability to reduce to a violation. However, he explained, [troopers] do not currently have that ability in Title 16 and, if passed, HB 129 would provide that ability and would give [troopers] two different charging options in Title 16.

MAJOR CHASTAIN returned to his sectional analysis. He said section 17 proposes to amend [AS 16.05.925], penalty for violations, to provide consistency in the penalties as provided under AS 12.55. Drawing attention to the dollar figures for big game animals included within this section, he noted that the court could impose these restitution values when someone is convicted and the case warrants applying restitution. These animals belong to the state's citizens collectively, he said, so when a big game animal is unlawfully taken it defrauds the state and its citizens of the value of the animal. The values vary greatly, he continued, depending on the species of the animal, the location of the take, the social value of the animal, the economic value of the animal, and the food source value to the people of the state. In most cases it does not make the state whole for the loss of the animal, he noted, but it helps repay the state for the illegal take.

MAJOR CHASTAIN pointed out that the current restitution amounts were enacted by the legislature in 1984 and have gone untouched since then. He explained that a previous version of HB 129 submitted to the legislature in 2016 would have increased restitution amounts by 50 percent from the base amounts in statute. In that version, some of the restitution amounts were changed in House and Senate committees and HB 129 reflects those changes. Because the previous version died in the House last year, the bill is being resubmitted this year [as HB 129]. Some of the amounts have gone up more than 50 percent, he continued, and represent the equivalent to 2016 dollars. [The restitution amount for] moose, for instance, has gone from \$1,000 to \$2,500. These are maximum amounts imposed at the discretion of a judge, and in addition to any fines or penalties.

5:27:49 PM

REPRESENTATIVE WESTLAKE asked how the restitution valuations were derived.

MAJOR CHASTAIN answered that the original determination was just for inflation, which is about 50 percent more than the 1984 numbers, and those were the numbers originally submitted. However, he continued, during the committee process in 2016, amendments [were adopted] that changed those numbers to be higher than what was originally submitted.

REPRESENTATIVE WESTLAKE observed that the bison restitution figure in section 17 was inflated more than any of the others.

5:28:34 PM

MAJOR CHASTAIN resumed his sectional analysis. He said section 18 would add a new subsection [to AS 16.05.925] that relates to [AS 16.05.925(b)]. The new subsection, he explained, would establish that a defendant may not be ordered to pay restitution if the defendant takes an animal, realizes the animal is not legal, and then voluntarily and immediately reports the unlawful take of the animal to a state law enforcement officer or ADFG and surrenders all salvaged portions of the animal, including its horns, antlers, hide, and skull, as applicable. The person would be charged with a violation of fact, would get a ticket [costing] a couple hundred dollars, and would not be charged with a misdemeanor, would not lose his or her hunting rifle, and would not lose his or her hunting license or the equipment that was used.

REPRESENTATIVE WESTLAKE observed that the bill on page 5, line 28, uses the word "may" rather than "will". He asked whether this wording is used because it will be up to the purview of the judge.

MAJOR CHASTAIN said the word "may" is directive to the court, so the court may not [order a defendant to pay restitution under (b) of this section].

5:30:47 PM

REPRESENTATIVE PARISH posed a scenario in which an out-of-state hunter unlawfully kills a bear without having bothered to get a permit. He questioned whether this hunter could only be charged

with violations if he or she surrenders the salvaged portions of the bear.

MAJOR CHASTAIN responded that that is not entirely true; this is only in the situation where the hunter has "immediately notified" and doesn't have to do with permitting or licensing or any of the rest of that. It is basically that if a person takes a game animal that is not legal for that scenario. [In Representative Parish's scenario] there would be additional violations, such as no locking tag, no permit, no hunting license, and none of the other things that are associated with what the hunter must have. Plus, to take a brown bear a nonresident hunter must also have a guide or be accompanied by someone with a second degree of kindred [to the hunter].

[5:31:46 PM](#)

CO-CHAIR JOSEPHSON offered his understanding that this proposed provision is just a way to mitigate the restitution portion.

MAJOR CHASTAIN answered correct and noted that Senator Coghill added this provision last year. [The Alaska Wildlife Troopers (AWT)] fully supports this provision, he said, and operates under it to begin with. However, there is inconsistency within the court system, he explained. [AWT] seeks to create a situation where people turn themselves in and AWT doesn't want to punish people for calling when they've made a mistake. This section would allow AWT to deal with the situation of people turning themselves in and then not having to worry about what other penalties may come down the road from the court with restitution.

[5:32:40 PM](#)

REPRESENTATIVE PARISH asked whether calculations have been done to determine the amount of restitution it would take to make the state whole for the big game animals [listed in section 17].

MAJOR CHASTAIN replied that each big game animal means something different to different people. For example, there is a dramatic difference between what a moose means to someone relying on that animal for subsistence, compared to what a moose means to someone paying to come to Alaska to take the animal. Therefore, he said, he does not have an answer.

[5:33:28 PM](#)

MAJOR CHASTAIN returned to his sectional analysis and addressed section 19, which would [amend AS 16.05.940] by adding a definition of "electronic form" as it pertains to section 3 of the bill. Electronic form would mean the display of license images on an electronic device such as a mobile telephone, tablet, or computer that will satisfy the display of fishing and hunting licenses. He reiterated that ADFG is working toward the idea of being able to display things on a telephone or tablet. However, he noted, there are still going to be times when the actual paper form will still be necessary; for example, to validate an actual tag, to record a king salmon on the back of a license, and a number of other things that must be recorded.

MAJOR CHASTAIN stated that sections 20-27 would align penalties for a class A misdemeanor and would provide that AST be able to charge for violations for these types of offenses.

MAJOR CHASTAIN said section 28 would amend the uncodified law of Alaska to make it clear that the Act applies to offenses committed on or after the effective date of the Act.

MAJOR CHASTAIN concluded by relating that section 29 would provide for an effective date of July 1, 2017.

[5:34:59 PM](#)

CO-CHAIR TARR, regarding the penalties provided in [sections 20-27], asked why the language is more specific in making them class A misdemeanors. She further asked whether the removal of language related to imprisonment is because class A misdemeanors cannot have jailtime associated with them.

MAJOR CHASTAIN recalled Senate Bill 91 [passed in the Twenty-Ninth Alaska State Legislature] and the alignment of those penalties. Continuing, he explained that Title 12 is the definition of a misdemeanor, and therefore the language in the aforementioned sections points everything to Title 12 as the definition of a misdemeanor. Under Senate Bill 91, he said, a class A misdemeanor went up to \$25,000 and jailtime is associated with it possibly. A whole bunch of things could happen as a misdemeanor, but because these were separated out and piecemealed, this language points it to Title 12 and says this is what a misdemeanor is. As well, it allows for AST to charge for violations.

CO-CHAIR JOSEPHSON asked whether the previously mentioned restitution issue that failed in the legislature was House Bill 137.

UNKNOWN SPEAKER replied no.

[5:36:06 PM](#)

CO-CHAIR TARR, in regard to the proposed restitution amounts, inquired as to how frequently these types of infractions are occurring. She further inquired whether there are other actions that committee members should consider as a means to try to limit how frequently these types of infractions occur.

MAJOR CHASTAIN replied that strict liability commercial fishing violations are "the bread and butter for commercial fishing violations around the state." The majority of these happen in Bristol Bay, but they do happen all over the state. This is the easiest way for the state to deal with a somewhat minor infraction that happens in commercial fishing; but, if it is thought to be a more serious offense, AWT has the ability to charge a class A misdemeanor. Regarding how often, he said a couple hundred per year occur in Bristol Bay and his guess for statewide is around 500 commercial fishing violations a year. About 150-200 self-reported violations are turned in each year to AWT. A variety of other things are also enforced by AWT. So, AWT does deal with this fairly frequently.

CO-CHAIR TARR, in regard to self-reporting of violations, asked whether it is usually a mistaken estimation of the animal's size that is realized after the animal has been shot.

MAJOR CHASTAIN confirmed the aforementioned is exactly right for the majority of these violations. For example, the regulation is 50 inches for moose antlers, but upon shooting the animal it is found to be 45 inches, or the hunter may think the moose has a certain number of brow tines or that it is a full-curl sheep, but it is not. Also, he continued, AWT gets a fair number of reports from hunters who thought it was a bull moose, but it was actually a cow. [AWT] tries to handle these consistently, he explained further, and offers appreciation to the hunters who self-report because it takes a lot of intestinal fortitude to call the troopers and say they made a mistake. [AWT] wants to make sure these people are treated appropriately instead of letting the meat go to waste in the field.

CO-CHAIR TARR inquired whether the fines associated with the aforementioned are high enough to discourage that kind of behavior. She surmised that having to turn over the salvaged meat would be somewhat of a deterrent. She further inquired whether any issues are seen in the guided-hunting community.

MAJOR CHASTAIN responded that taking apart a moose is a substantial process and he thinks that the penalty is pretty good of having to take the moose apart to salvage the meat, taking the meat out of the field, keeping it clean, and bringing it in to turn yourself in. The fines through the court are typically around \$300 for this offense, he said, which he thinks is appropriate for this type of offense. Over the years AWT has refined this process and people know they will get a citation, they cannot keep the meat, the meat will go to a charity, and that they cannot shoot another moose in the same year.

[5:41:22 PM](#)

REPRESENTATIVE PARISH directed attention to the bill on page 6, lines 1-2, which read:

(2) surrendered to the department all salvaged portions of the animal, including its horns, antlers, hide, and skull, as applicable.

REPRESENTATIVE PARISH asked whether this language suggests that failing to surrender portions of the animal that were not salvaged is not a disqualifying characteristic.

MAJOR CHASTAIN understood Representative Parish to be asking whether failure to bring out all those items would be a disqualifier.

REPRESENTATIVE PARISH surmised that under a very strict and narrow reading of the aforementioned language, if a person failed to salvage the meat they wouldn't be in trouble.

CO-CHAIR JOSEPHSON stated that this may need an amendment and will be looked at in further detail.

[5:43:23 PM](#)

REPRESENTATIVE TALERICO offered his understanding that when a person makes a big mistake under section 18, that person could still be charged with a violation, and will have to pay a small penalty; it is just the restitution that the person wouldn't be

charged with. He opined there should be no free pass when an animal is taken. Representative Talerico stated that he is a hunter and "when you make that mistake you have to pay for it because that will make you more careful the next time you put your finger on the trigger."

MAJOR CHASTAIN confirmed the violation would remain in place and that it is the restitution from the court that would be prohibited.

[HB 129 was held over.]

[5:44:59 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 5:44 p.m.